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OFFICE OF PETITIONS

In re Patent No. 6,642,939 :
Issue Date: November 4, 2003 :
Application No. 09/539,723 :
Filed: March 30, 2000 :
Attorney Docket No. 60097-0248 :

ON PETITION

This is a decision on the petition, filed February 9, 2004, under 37 CFR 1.182 requesting issuance of a duplicate Letters Patent for the above-identified application. In view of the request that the duplicate Letters Patent should be issued with no charge, the petition is also being treated as a petition under 37 CFR 1.181.

The petitions are **dismissed**.

Petitioner states that the original Letters Patent mailed on November 4, 2003 was never received and has submitted a copy of a docket record in support thereof.

Initially, it is noted that, at the time of mailing of the original Letters Patent on November 4, 2003, the address of record was: Glenn Patent Group, 3475 Edison Way, Suite L, Menlo Park, CA 94025. A request to send correspondence to the above-noted address was not received until January 13, 2004, which is after the date of mailing of the original Letters Patent. Further, the written record fails to indicate any irregularity in the mailing of the original Letters Patent, and in the absence of any irregularity there is a strong presumption that the original Letters Patent was properly mailed to the applicant at the above-noted address of record at the time. This presumption may be overcome by a showing that the original Letters Patent was not in fact received at the address of record at the time. In this regard, the showing required to establish the failure to receive the original Letters Patent must consist of a statement from the attorney or agent of record at the Glenn Patent Group correspondence address, stating that the original Letters Patent was not received and attesting to the fact that a search of the file jacket and docket records for Glenn Patent Group indicates that the original Letters Patent was not received. A copy of the

docket record where the nonreceived original Letters Patent would have been entered had it been received must be attached to and referenced in the statement from counsel for Glenn Patent Group.

However, if petitioner cannot provide evidence of the nature required above or simply does not wish to, petitioner may elect to proceed under 37 CFR 1.182 (with fee which has been received), and provide a statement that Glenn Patent Group has checked its records and confirms that the original Letters Patent was not received.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
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By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (703) 872-9306
 ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3218.



Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy